

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

ADVANCED FIBER TECHNOLOGIES  
(AFT) TRUST,

Plaintiff,

-against-

J&L FIBER SERVICES, INC.,

Defendant.

Civil Action No: 07-01191 LEK/DRH

---

**NOTICE OF MOTION AND MOTION OF J&L FIBER SERVICES, INC. FOR  
RECONSIDERATION (MEMORANDUM-DECISION AND ORDER, DKT. NO. 114)**

---

**PLEASE TAKE NOTICE** that upon the Declaration of David R. Cross and the exhibits annexed thereto, and for the reasons set forth in the accompanying Memorandum of Law, and upon such other evidence and argument as the Court may consider, Defendant J&L Fiber Services, Inc. will move this Court before Hon. Lawrence E. Kahn, Senior United States District Judge, at the United States Courthouse, 445 Broadway, Albany, New York on November 5, 2010 at 9:30 a.m. or as soon thereafter as counsel may be heard, for an Order declaring that under the Disclosure-Dedication rule wedgewire is not equivalent to a perforated barrier and AFT's complaint is accordingly dismissed.

Dated: September 27, 2010

Respectfully submitted,

/s/ David R. Cross

David R. Cross

Johanna M. Wilbert

QUARLES & BRADY LLP

411 East Wisconsin Avenue

Milwaukee, WI 53202-4497

Telephone: (414) 277-5000

Edward R. Conan (101387)

BOND, SCHOENECK & KING, PLLC

One Lincoln Center

Syracuse, NY 13202-1355

Telephone: (315) 218-8100

*Attorneys for Defendant*

*J&L Fiber Services, Inc.*

TO: Nicholas Mesiti, Esq.  
Heslin, Rothenberg, Farley & Mesiti P.C.  
5 Columbia Circle  
Albany, NY 12203-5180

Attorneys for Plaintiff